

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Applicants have indicated the changes to the claims relative to the originally issued claims, including the amendments to the claims illustrated in the Amendment filed March 8, 2005, and the Preliminary Amendment filed October 7, 2003, as required in 37 C.F.R. § 1.173.

#### **35 U.S.C. §102 Rejections**

Claims 1-4, 8, 9, 14-17, 20 and 21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Morra et al. (WO 96/24392). The Examiner stated that

Morra et al disclose[s] covalently bonding biopolymer[s] such as hyaluronic acid or its derivatives, carboxy groups containing polysaccharides to substrate[s] such as polymeric, metal or ceramic by process (A) comprising first reacting hyaluronic acid or its derivatives, carboxy groups containing polysaccharides with silane such as chloropropyltrimethoxy silane followed by applying thus reacted product to a plasma treated surface of afore said substrate. Morra et al disclose[s] article[s] such as catheters, blood bag[s], guide channels etc.

Office Action at Page 2 (citations in original omitted).

Applicants have amended claims 1 and 14 to exclude silanes with an alkyl halide functional group. Therefore, the covalent hyaluronic acid-silane complex of Morra *et al.* does not have the same chemical structure as the product of the reaction between a biopolymer and a silane having the functional groups recited in each of claims 1 and 14. Thus, the claimed medical devices are not anticipated by Morra *et al.* Because claims 2-13 and 15-26 depend from claims 1 and 14, respectively, they are patentable over Morra *et al.* for at least the same reasons discussed above for claims 1 and 14. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 8, 9, 14-17, 20, and 21 under 35 U.S.C. § 102(b).

#### **Objections to the Claims**

Claims 5-7, 10-13, 18, 19 and 22-26 have been objected to as being dependent upon a rejected base claim. The Examiner stated that the claims "would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims." Office Action at Page 3. Because claims 2-13 and 15-26 depend from claims 1 and 14, respectively, Applicants respectfully submit that in light of the amendments made to claims 1 and 14, the Examiner's objections to claims 5-7, 10-13, 18, 19 and 22-26 have been rendered moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection of claims 5-7, 10-13, 18, 19 and 22-26 as being dependent upon a rejected base claim.

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

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